IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 18267 of 2007(Y)

PETITIONER:

ANOOP V.CHERIAN, S/O.SRI.V.I.CHERIAN,
AGED 26 YEARS, RESIDING AT VADAKAN, ANGAMALY P.O.,
ERNAKULAM DISTRICT-683 572.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY EXTERNAL AFFAIRS, NEW DELHI.

2. THE CHIEF PASSPORT OFFICER,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.

3. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR,
COCHIN-682 036.

4. THE JUDICIAL FIRST CLASS MAGISTRATE,
ALUVA, ERNAKULAM DISTRICT.

R1 TO R3 BY ASST.SOLICITOR GENERAL SRI.P.PARAMESWARAN NAIR.
R4 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 18267 OF 2007 - Y

Dated this the 14th day of June, 2007

J U D G M E N T

The petitioner seeks correction of date of birth in his passport. However, for the same, the third respondent insists on an order from a Magistrate. But, since there is no statutory provision or order empowering any Magistrate to issue such orders, the petitioner seeks a direction to the jurisdictional Magistrate to accept the petitioner's petition and to pass appropriate orders thereof.

2. Although there is no statutory provision or order in this regard, this Court has been passing orders directing the jurisdictional Magistrate to consider such petitions. In the above circumstances, I direct that if the petitioner files a proper petition before the jurisdictional Magistrate along with a certified copy of this judgment, the Magistrate shall entertain the same, take evidence and

pass a declaratory order regarding the correct date of birth of the petitioner. On production of such order, the third respondent shall take appropriate steps in the matter within a period of two weeks from the date of receipt of such order.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007